

REMARKS

For the sake of completeness, Applicants have reproduced claims 1-20 with the appropriate claim status identifiers according to 37 CFR § 1.121.

The rejection of claims 1-13 as being obvious [35 U.S.C. § 103(a)] in view of Rekers et al. (U.S. 5,231,006) is traversed. Rekers discloses silica gels. This is in contrast to the present invention which claims precipitated silica. It is requested that the Examiner withdraw the rejection in view of this fact and the following comments.

The Examiner's attention is directed to a selected photocopy of Ullmann's Encyclopedia of Chemistry (Enclosure 1, E1), page 642, Col. 2, line 48 – 50, which states that "the formation of a coherent system and thus a gel state is avoided" when producing a precipitated silica. Thus, it is general knowledge that silica gels and precipitated silica are distinct materials.

Additional differences between silica gels and precipitated silica can be seen in E1, page 642, Col. 2, lines 25 - 27. This passage shows that silica gels are produced under acidic conditions while precipitated silica are produced in neutral or alkaline media.

In support of this difference, the Examiner's attention is directed to Rekers disclosure, which states (col. 25, ll. 18- a process including step a):

forming a silica hydrogel by neutralizing an aqueous solution of a silicate, ....., by adding the silicate solution to a first aqueous acid solution to raise the pH of the first aqueous solution until the silica hydrogel is precipitated.

In contrast thereto the process of the invention discloses (p. 3, l. 20 – p. 4, l. 7):

adding a solution of foreign atoms in the form of organic or inorganic salts to an aqueous sodium silicate solution during addition of sulfuric acid to said aqueous sodium silicate solution.

A comparison of the two processes shows that the process of the invention starts in an alkaline medium, thus precipitated silica are formed. In contrast the process of Rekers starts in an acidic solution, thus a gel is formed. These are two totally different processes, resulting in totally different products. There are no relationships between the processes and it is not obvious to "optimize" the process of Rekers in order to obtain silicas with the desired properties (see page 5, line 1 - 3, Office Action) because the two processes belong to different fields of technology.

Moreover, Rekers discloses bimodal silica gels. It is noted that this in contrast to the the precipitated silica of the invention, which are monomodal. A reason why Reckers' gels are bimodal can be understood by noting that Rekers discloses a two step gel formation process. The Examiner's attention is directed to col. 5, lines 48 – 55, wherein Reckers describes a process that has two precipitation steps. The first precipitation (step a) takes place in an acidic medium, the second precipitation (step d) occurs in an alkaline medium. As a result of the process, the gels of Rekers comprise hydrogel particles having a bimodal pore radius, i.e. two different pore radii.

The precipitated silica of the invention are monomodal because they are prepared by a one step precipitation process as can be seen in the description as well as in the examples of the invention.

Therefore, in view of these facts, it is requested that the Examiner withdraw the rejection.

In light of the above discussion, it is believed that claims 1-17 are in condition for allowance, which means that claims 18-20 are allowable too. Applicants respectfully direct the Examiner's attention to MPEP § 821.04, which states that "if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable

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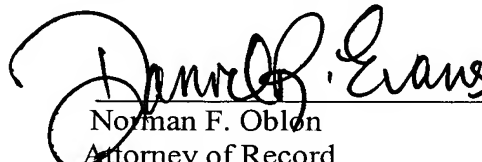
product claim will be rejoined." Process claims 18-20 recite a process that uses the allowable product. Accordingly, Applicants respectfully request rejoinder of the non-elected process claims.

Finally, it is requested that the Examiner acknowledge Applicants' claim to priority under 35 U.S.C. § 119(a)-(d); and provide Applicants with an indication that the Office has received a certified copy of Applicants' priority document, DE 100 62 449.9, which was filed on December 14, 2000. Applicants provided a certified copy, along with a proper claim to foreign priority, when the application was filed on December 14, 2001.

Thus, it is believed that claims 1-20 are in a condition of allowance. An early and favorable indication of such is respectfully requested.

Respectfully submitted,

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